

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DACQUAN SMITH,

Plaintiff,

-against-

DEPARTMENT OF CORRECTION, CITY
OF NEW YORK, ET AL.,

Defendants.

24-cv-6086 (JGK)

SECOND ORDER OF SERVICE

JOHN G. KOELTL, District Judge:

The plaintiff, who currently is incarcerated at Otis Bantam Correctional Center on Rikers Island, brought this action, pro se, pursuant to 42 U.S.C. § 1983, alleging that the defendants violated his constitutional rights. By order dated August 13, 2024, the Court granted the plaintiff's request to proceed in forma pauperis ("IFP"), that is, without prepayment of fees. ECF No. 4.¹ By order dated August 19, 2024, the Court dismissed the plaintiff's claims against the New York City Department of Correction and construed the complaint as asserting claims against the City of New York pursuant to Federal Rule of Civil Procedure 21.

¹ Prisoners are not exempt from paying the full filing fee even when they have been granted permission to proceed IFP. See 28 U.S.C. § 1915(b)(1).

The time for the plaintiff to request the issuance of summons was **September 18, 2024**. To date, no such request has been filed.

A. Order of Service

The Clerk of Court is directed to notify the New York City Law Department of this Order. The Court renews its request that the following defendants waive service of summons: (1) City of New York; (2) Correction Officer ("C.O.") Ganaishla #20137; (3) C.O. Salah #20061; (4) C.O. Captain Weekes #1028; (5) C.O. Captain Russell #237; (6) Assistant Commissioner J. Collado; (7) Deputy Commissioner Ford; and (8) Commissioner Lynelle Maginley-Liddle.

B. Local Rule 33.2

Local Civil Rule 33.2, which requires defendants in certain types of prisoner cases to respond to specific, court-ordered discovery requests, applies to this action. Those discovery requests are available on the Court's website under "Forms" and are titled "Plaintiff's Local Civil Rule 33.2 Interrogatories and Requests for Production of Documents." The defendants are reminded that the defendants must serve responses to these standard discovery requests in this action by **February 3, 2025**.

In their responses, the defendants must quote each request verbatim.²

CONCLUSION

The time for the plaintiff to request the issuance of summons is extended to **October 28, 2024**.

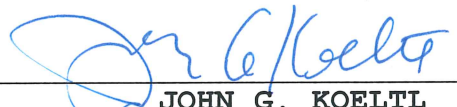
The Clerk of Court is directed to notify electronically the New York City Law Department of this order. The Court requests that the defendants waive service of summons.

The Clerk of Court is also directed to mail to the plaintiff an information package and a copy of this order, and to note such service on the docket.

Local Rule 33.2 applies to this case.

SO ORDERED.

Dated: October 7, 2024
New York, New York



JOHN G. KOELTL
United States District Judge

² If the plaintiff would like copies of these discovery requests before receiving the responses and does not have access to the website, the plaintiff may request them from the Pro Se Intake Unit.